

# **EXHIBIT J**

Transcribed Trial Testimony of Marvin  
Reyes that was video recorded and  
played for the Jury

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF TEXAS  
3                   BEAUMONT DIVISION

4                   BRITTANY B. HILTON,                   \*  
5                   Plaintiff,                                \*  
6                   VS.                                        \* C.A. NO. 1:21-cv-00441 MJT  
7                   SIG SAUER, INC.                        \*  
8                   Defendant.                                \*

9                   \*\*\*\*\*

10                  THE ORAL VIDEOTAPED  
11                  DEPOSITION OF  
12                  SERGEANT MARVIN REYES  
13                  AUGUST 11, 2022  
14                  \*\*\*\*\*

15                  ORAL VIDEOTAPED DEPOSITION OF SERGEANT MARVIN  
16                  REYES, produced as a witness at the instance of the  
17                  PLAINTIFF, and duly sworn, was taken in the above-styled  
18                  and numbered cause on the 11th of August, 2022, from  
19                  1:13 p.m. to 2:01 p.m., before Debbie Boothe, CSR, in  
20                  and for the State of Texas, reported by machine  
21                  shorthand at the offices of Sico Hoelscher Harris LLP,  
22                  3 Riverway Drive, Suite 1910, Houston, Texas 77056,  
23                  pursuant to the Federal Rules of Civil Procedure and the  
24                  provisions stated in the record or attached hereto.

## A P P E A R A N C E S

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## THE VIDEOGRAPHER:

Ms. Madeline Nagy  
Res Ipsa

\* \* \* \*

	INDEX	
1		
2		
3	WITNESS: SERGEANT MARVIN REYES	
4		PAGE
5	Appearances	2
6	Examination by Mr. James H. Hada	5
7	1:13 p.m. - 1:45 p.m.	
8	1:47 p.m. - 1:47 p.m.	
9	Examination by Mr. Brian Keith Gibson	37
10	1:47 p.m. - 2:00 p.m.	
11	Further Examination by Mr. James H. Hada	50
12	2:00 p.m. - 2:01 p.m.	
13	Reporter's Certificate	52
14		
15	* * * * *	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 REPORTER'S NOTE: All quotations from exhibits are  
2 reflected in the manner in which they were read into the  
3 record and do not necessarily denote an exact quote from  
4 the document.

## EXHIBIT INDEX

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Subpoena to Testify at a Deposition in a Civil Action	25
Exhibit 2	Plaintiff's Notice of Oral and Videotaped Deposition of	
	Sgt. Marvin Reyes	25
Exhibit 3	Video Clips	
	1) Houston March 28, 2022	
	Second Angle.mp4	
	2) Houston March 28, 2022	
	.MOV	30

\* \* \* \*

1                   THE VIDEOGRAPHER: We are on the record.  
2 This is the start of tape labeled Number 1 in the  
3 video-recorded deposition of Sergeant Marvin Reyes.  
4 Today's date is Thursday, August 11, 2022, and the time  
01:13 5 is 1:13 p.m.

6                   Will all attorneys in attendance please  
7 state their appearances and who they represent for the  
8 record.

9                   MR. HADA: Yes. My name is James Hada. I  
01:13 10 represent Plaintiff Brittany Hilton.

11                  MR. GIBSON: Keith Gibson, Littleton Park  
12 Joyce Ughetta & Kelly for Sig Sauer.

13                  THE VIDEOGRAPHER: Will the court reporter  
14 please swear in the witness.

01:13 15                  SERGEANT MARVIN REYES,  
16 having been first duly sworn, testified as follows:

17                  EXAMINATION

18 QUESTIONS BY MR. JAMES H. HADA:

19                  Q. Would you introduce yourself to the ladies and  
01:13 20 gentlemen of the jury.

21                  A. My name is Martin Reyes.

22                  Q. And do you -- are you currently employed?

23                  A. Yes.

24                  Q. Who are you employed by?

01:13 25                  A. The Houston Police Department.

1 Q. And do you have a title?

2 A. I'm a sergeant.

3 Q. Okay. So it would be appropriate for me to

4 refer to you as Sergeant Reyes?

01:14 5 A. You can.

6 Q. Now, I wanted to talk to you a little bit,

7 Sergeant Reyes, about your -- your background, if we

8 can, just for a moment. Okay?

9 A. Sure.

01:14 10 Q. Can you tell us when you were first employed by  
11 the Houston Police Department?

12 A. I entered the academy in August of 2007.

13 Q. And the academy lasts for six months?

14 A. Yes.

01:14 15 Q. So was it still 2007 when you graduated from  
16 the academy?

17 A. No. It was February 2008.

18 Q. When you graduated in February 2008, you had a  
19 probationary period?

01:14 20 A. Yes.

21 Q. And how long was that?

22 A. Six months.

23 Q. You success -- obviously, successfully  
24 completed that?

01:14 25 A. Yes.

1 Q. And what was your first posting?

2 A. My first posting was patrol in -- in northeast  
3 area of our town.

4 Q. Is that the northeast station?

01:15 5 A. Yes.

6 Q. During your time in the academy, were you --  
7 were you trained in the use of handguns?

8 A. Yes. We have to qualify with firearms before  
9 we can graduate academy.

01:15 10 Q. So tell the ladies and gentlemen of the jury a  
11 little bit about what that training consisted of while  
12 you were at the academy.

13 A. Just handling firearms, manipulating them, make  
14 sure -- being able to load them. You need to be able to  
01:15 15 get them ready to be used and everything. Actually go  
16 through the -- the marksmanship course -- or not course,  
17 but qualification, which is 50 shots and at various  
18 lengths and, you know, different times and hands and  
19 that nature.

01:15 20 Q. Had you had experience with handguns before you  
21 joined HPD?

22 A. I was a -- a little -- a little bit of  
23 handguns. I was military before that. So I had more  
24 rifle experience than handguns.

01:16 25 Q. And what branch of the military did you serve

1 in?

2 A. Marine Corps.

3 Q. Thank you for your service, sir.

4 A. Thank you.

01:16 5 Q. Were you honorably discharged?

6 A. Yes.

7 Q. What years were you in the -- in the Marines?

8 A. 2003 to 2007.

9 Q. And what was the highest rank you obtained?

01:16 10 A. Corporal.

11 Q. Did any of your job duties in the Marines

12 consist of -- I can't rem -- police type work?

13 A. There was a few months towards the end of my --

14 my duty that I -- I was at -- posted at gates, entry

01:16 15 gates to the base and was -- that's basically security.

16 That was -- that was my extent of police work with the

17 military.

18 Q. During your time in the Marines, were you

19 trained in how to use firearms?

01:16 20 A. Yes.

21 Q. Were you trained in how to properly store

22 firearms?

23 A. Yes.

24 Q. Were you trained in the safe use of firearms?

01:17 25 A. Yes.

1 Q. Would this include handguns and long guns?

2 A. Yes.

3 Q. And then you -- in 2007, you got out of the  
4 military, and then you began your work -- or you applied  
01:17 5 for the academy?

6 A. Yes.

7 Q. So that brings us to your six months  
8 probationary period in -- beginning in  
9 February 2008; correct?

01:17 10 A. Correct.

11 Q. All right. After you completed that -- that  
12 period of probationary time, which would have been  
13 August?

14 A. Yeah. It should be August of 2000 --

01:17 15 Q. 2008?

16 A. -- 8.

17 Q. You then, I guess, became a patrol officer?

18 A. Correct.

19 Q. And tell us, if you will, what your first  
01:17 20 promotion was above that designation.

21 A. My first promotion was actually to sergeant.  
22 That's the next rank up from a police officer. So I  
23 promoted to sergeant in to 2016.

24 Q. During the time after you passed your  
01:18 25 probationary period and until the time you were promoted

1 to sergeant, did you continue to become -- maintain your  
2 proficiency with the use of firearms?  
3 A. Yes. We have yearly qualifications for  
4 firearms.

01:18 5 Q. Now, you mentioned in the academy that you --  
6 you had to shoot 50 rounds as part of your  
7 qualification?

8 A. Correct.

9 Q. But you -- you certainly shot more than that to  
01:18 10 become proficient during this time period; correct?

11 A. Yes.

12 Q. How many rounds would you say that you --  
13 you -- you discharged and practiced -- practiced during  
14 your academy days, ballpark?

01:18 15 A. During the academy days, we just -- maybe --  
16 maybe thousands of rounds, I guess. It was a week-long  
17 for just strictly for firearms.

18 Q. Got you.

19 Do you recall what kind of firearm you  
01:18 20 were -- you were issued at this time?

21 A. Yeah. It was a Sig Sauer P226.

22 Q. When you were promoted to sergeant, did you  
23 have to take an exam and pass an exam?

24 A. Yes.

01:19 25 Q. And I think it's referred as to the sergeant's

1 exam?

2 A. Correct.

3 Q. And were -- since 2016 -- or to become a  
4 sergeant, did you have to take any additional training  
01:19 5 or obtain certifications in the handling or use of  
6 firearms?

7 A. No, not specifically to firearms.

8 Q. During the time you've been a Houston Police  
9 officer, including the time that you've been a sergeant,  
01:19 10 have you taken any additional classes or obtained  
11 certification in the -- certifications in the use or  
12 handling of firearms?

13 A. I've taken different qualifications that are  
14 offered in the department, including rifle  
01:19 15 qualification, red dot qualification, which is a  
16 different class, 40 --

17 Q. You said -- I'm sorry, you said --

18 A. Red dot. Red dot, yes --

19 Q. Okay.

01:19 20 A. -- for optic for the rifle.

21 Q. Okay.

22 A. And red dot for the pistol as well.

23 I've also taken -- we have a new  
24 40 millimeter. It's kind of like a riot-type nondeadly  
01:20 25 weapon. But that's the extent of my additional training

1 with different types of firearms.

2 Q. All right. And during the time that you were  
3 using a fire -- these firearms, were these -- what type  
4 of pistols would you use?

01:20 5 A. I've had Sig Sauer 226 from the beginning. I  
6 don't remember when I switched over. But from the  
7 beginning of my career I had a Sig Sauer P226. And then  
8 once the P320 came out, I switched over to that and got  
9 a 9 -- 9 millimeter version of that.

01:20 10 Q. And you got a what?

11 A. 9 millimeter version of that.

12 Q. Okay. And was this your service revolver?

13 A. Yes.

14 Q. Who issued this to you?

01:20 15 A. We have to buy our own. So we -- we -- even  
16 during academy, we buy our own firearms. And then if  
17 you want to change, as long as it's on the approved  
18 list, you're able to change your firearm as long as you  
19 can qualify with it.

01:21 20 Q. Okay. So at some point you changed from the  
21 Sig Sauer 226 to the Sig Sauer P320?

22 A. Correct.

23 Q. Do you remember approximately month and year  
24 that that happened, ballpark?

01:21 25 A. No, I really don't. I remember when -- when it

1 first came out into -- to -- when it was first --  
2 started first being manufactured, but I don't remember  
3 off the top of my head when that was.

4 Q. Was the P3 -- Sig Sauer P320 an approved  
01:21 5 firearm by the Houston Police Department?

6 A. Yes.

7 Q. And did you have other firearms or handguns  
8 that you could have chosen other than the P320?

9 A. Yes.

01:21 10 Q. Do you recall what they were?

11 A. Not at the time. The list -- the list keeps  
12 getting updated and changing. But I know Glock had --  
13 was the other big manufacturer. There was  
14 Smith & Wesson that was also -- also available. But

01:21 15 like I said, the list keeps changing. So I don't know.

16 Q. And so if you remember, why did you choose the  
17 P3 -- Sig Sauer P320 versus another type?

18 A. Didn't really have a -- didn't really have a  
19 specific reason. The -- the three that were laid out  
01:22 20 to -- in front of us that were recommended were the Sig,  
21 the Glock and the -- the Smith & Wesson when I was in  
22 the academy to purchase. So I -- I decided to go  
23 Smith -- to the Sig Sauer. And since I adopted the  
24 Sig Sauer in my academy, I stuck with it for the entire  
01:22 25 duration of my career.

1 Q. Okay. So, in other words, because you carried  
2 the P -- or the Sig Sauer 226, you -- you wanted to be  
3 consistent; so you chose to carry on with the  
4 Sig Sauer 320?

01:22 5 A. Correct.

6 Q. All right. And I'm sorry if I -- if I asked  
7 you this previously, but I wanted to make sure I covered  
8 it. So do you have to get recertified or re -- yeah,  
9 recertified once you switched over to the P320?

01:23 10 A. Yes. You -- well, you have to run the  
11 qualification course again with that specific firearm  
12 that you want to carry on-duty.

13 Q. And what is the qualification course?

14 A. It's the same as the other one, 50 --

01:23 15 50 rounds. And the that's -- that's also been changed  
16 over the years. So it depends on the time frame that it  
17 was. But it's 50 -- it's still 50 rounds and at various  
18 distances. I think the closest 2, 7, 10, 15 and maybe  
19 now it goes up to 25 yards.

01:23 20 Q. And are these just different targets as you're  
21 walking around?

22 A. It's one single target. You -- they move it  
23 back and forth, and then they'll give you a certain  
24 amount of time. They'll face it towards you as a -- as  
01:23 25 an indication of a threat, and then you have depending

1 on which stage of the course you're in a certain amount  
2 of time to get however many rounds off that they tell  
3 you.

4 Q. And did you pass your qualification with the  
01:23 5 P320?

6 A. Yes.

7 Q. Did you pass it on the first time?

8 A. Yes.

9 Q. My understanding is that you experienced a  
01:24 10 discharge without pulling the trigger in your past; is  
11 that accurate?

12 A. Yes.

13 Q. Do you recall what date that was?

14 A. It was -- not exactly, actually. It was end of  
01:24 15 March, beginning of April this year, 2022.

16 Q. Okay. We're going to -- does March 28, 2022,  
17 sound right?

18 A. Yes.

19 Q. We're going to talk about that in just a  
01:24 20 moment.

21 A. Sure.

22 Q. But if you -- if you can just kind of tell  
23 us -- well, first of all, do you know if there's any  
24 video showing the moments right before and right after  
01:24 25 the -- and the discharge?

1 A. Yes.

2 Q. So what I want to do is to kind of talk to you  
3 a little bit about -- about that, and we can view the  
4 video as well in a moment.

01:25 5 A. Sure.

6 Q. But just generally, if you will, tell me what  
7 you were doing. First of all, where were you when this  
8 discharge occurred?

9 A. I was at my -- in front of my residence, my  
01:25 10 house.

11 Q. And that's here in Houston?

12 A. It's in Spring --

13 Q. That's right.

14 A. -- Texas, yeah.

01:25 15 Q. All right.

16 What time of the day was it?

17 A. This was approximately 6:12 in the morning. I  
18 was getting ready to go to work, so...

19 Q. And just give me a -- just briefly tell me --  
01:25 20 walk me through the -- the few moments before, where you  
21 were coming from, what you were carrying, what you were  
22 doing when this -- when this discharge occurred.

23 A. Sure. I was exiting my residence. My -- I  
24 park my truck in front of my -- in front of my house on  
01:25 25 the street. I was carrying my rifle bag, and I believe

1 a backpack as well and -- I'm not exactly sure what else  
2 was in my hand at that -- at that time without -- I did  
3 have multiple things on my -- on my shoulder and my  
4 hand.

01:25 5 Q. Okay. And were you -- what were you doing with  
6 these things?

7 A. I was just going to put them in my truck and  
8 drive to work. I went work at 7:00. So that's when...

9 Q. And when you were placing these items in your  
01:26 10 truck, were you placing them in the back of your truck?

11 A. Yes.

12 Q. And which -- which door were you using?

13 A. The passenger side rear door.

14 Q. And were -- was there -- at the time of the  
01:26 15 discharge of -- of the un-commanded discharge, was there  
16 anything that was touching your pistol?

17 A. No.

18 Q. Where was your pistol at?

19 A. It was in my duty holster on my -- on my waist  
01:26 20 on my duty belt.

21 Q. And which -- which -- are you right-handed?

22 A. Right-handed, yes.

23 Q. All right. Did you have any of the things that  
24 you were carrying, the bags or the other items near your  
01:26 25 holster or near the P320 at the time that it discharged?

1 A. No.

2 Q. Had anything -- anything that you carried been  
3 entangled in your service -- your P320 service pistol or  
4 in your holster prior to the discharge?

01:27 5 A. No.

6 Q. And this was a weapon that you purchased  
7 through the Houston Police Department?

8 A. No. We -- like I say, we have to purchase our  
9 own. I bought that one, I believe, from Central Police  
01:27 10 Supply, which is actually a private-owned store.

11 Q. All right. And is that a -- is that a -- a  
12 reputable store?

13 A. Yes.

14 Q. Is that where many of your fellow officers  
01:27 15 purchase their weapons?

16 A. I believe so. I can't -- I can't speak to  
17 that.

18 Q. Okay. That's -- that's fair enough. I  
19 appreciate that.

01:27 20 And you were required to carry this -- this  
21 weapon, this P320 -- Sig Sauer P320 as part of your  
22 duties as a Houston Police officer?

23 A. Yes.

24 Q. If you -- what type of holster were you using  
01:27 25 at the time of the un-commanded discharge?

1 A. It was a Safariland Level III holster.

2 Q. And does that holster come up over the trigger,  
3 or does it leave the trigger mechanism exposed?

4 A. It doesn't leave it exposed. It comes over the  
01:28 5 trigger.

6 Q. All right. So when you have it in your  
7 holster, the holster portion of it comes up over the  
8 trigger to cover it?

9 A. Yes. It -- it has retention. So it locks in  
01:28 10 and -- and covers the trigger guard.

11 Q. At any point before the gun discharged, did  
12 your fingers touch the trigger at all?

13 A. No.

14 Q. Once you were -- once the purchased the -- the  
01:28 15 Sig Sauer P320, did you make any changes to it?

16 A. Yes.

17 Q. What changes did you make?

18 A. I changed out the -- the grip module. I  
19 changed out the slide on it, and actually the -- the  
01:29 20 barrel and the -- the other parts of the slide were  
21 still the factory Sig Sauer parts. But the -- the slide  
22 and the grip were different.

23 Q. Okay. When you say "the slide," what do you  
24 mean by "the slide"?

01:29 25 A. The -- the P320 is divided into two halves.

1 The top part which goes back and forth whenever a --  
2 a -- a round is shot --

3 Q. Uh-huh.

4 A. -- it slides back and forth. So the upper part  
01:29 5 is called a slide. So that's an aftermarket. That's  
6 one -- that one is a Grey Ghost Precision slide.

7 The bottom part is an aftermarket as well.

8 It's -- it's from Wilson Combat, and it's a -- also a --  
9 the grip module, basically the entire bottom half of  
01:29 10 the -- besides the actual trigger itself.

11 Q. Okay. And so --

12 MR. GIBSON: I don't -- I don't mean to  
13 interrupt. Can you just repeat what the -- who made the  
14 slide. I'm sorry, I just --

01:29 15 THE WITNESS: Sure.

16 MR. GIBSON: -- I couldn't hear it.

17 THE WITNESS: The Grey -- slide is a Grey  
18 Ghost Precision slide for the 3 --

19 MR. GIBSON: And the grip -- grip module is  
01:30 20 Wilson Combat?

21 THE WITNESS: Yes.

22 MR. GIBSON: Got it. Thank you. Sorry to  
23 interrupt.

24 MR. HADA: That's okay.

01:30 25 Q. (BY MR. HADA) All right. And how did you know

1 to use these things?

2 A. They are designed for the P320, the -- for  
3 the -- specifically for the P320 platform pistol.

4 Q. And do you know -- how -- how do you know that  
01:30 5 they were designed for the P320? I mean, how did you --  
6 how did you know that, I guess?

7 A. I just started looking into getting information  
8 for what -- what can be upgraded on -- on the pistol.

9 Q. Okay. And -- and what were the reasons for  
01:30 10 having -- for having these upgrades?

11 A. The -- my main reason for the slide was because  
12 I wanted to attach a red dot to it, and my current slide  
13 on -- on the pistol would have -- it required me to  
14 either mill it, which would cost almost as much money as  
01:30 15 a new slide, or do something else with the slide itself.  
16 So I just -- instead of paying for a mill, I just bought  
17 an aftermarket slide that was already precut for the --  
18 the red dot that I wanted to attach to it.

19 Q. Okay. And you also were the person responsible  
01:31 20 for -- before I move on, any other changes that you made  
21 to the pistol?

22 A. No, that's it.

23 Q. Were you responsible for cleaning the gun  
24 yourself?

01:31 25 A. Yes.

1 Q. And did you regularly clean the gun?

2 A. Yes. After I -- well, after I went to the  
3 range, I clean it off and --

4 Q. Sure.

01:31 5 Normal care for the pistol after you've  
6 used it; right?

7 A. Yes.

8 Q. All right. Do you know of any repairs that  
9 were performed on the Sig Sauer either before you owned  
01:31 10 it or after you owned it other than what we just  
11 discussed?

12 A. No.

13 Q. So we're going to look at the -- at the video  
14 in just a second, but after the discharge of the --  
01:32 15 un-commanded discharge of the P320, what did you do  
16 after that?

17 A. Well, first I was trying to -- I carry two guns  
18 on me when I'm on duty usually. So I had another pistol  
19 in my pocket. And I was trying to determine where --  
01:32 20 I -- I -- I recognized a shot, a gunshot just went off.  
21 I looked down in my holster. I -- and I checked that  
22 one. I check -- my -- my backup -- my backup pistol was  
23 in my -- in my cargo pocket. So I checked that. I was  
24 trying to determine where -- which one discharged.

01:32 25 And then I looked around, make sure nobody

1 was hurt, make -- looked on my truck, make sure nothing  
2 got hit, and I couldn't find a -- I couldn't find where  
3 the shot went. I think it just went straight down  
4 and -- well, I did find eventually where it went, but I  
01:32 5 couldn't find the -- the -- the bullet hole.

6 Q. Okay. And did you determine at some point  
7 what -- I guess, what the discharge -- where the  
8 discharge came from?

9 A. Yes. It came from my P320.

01:32 10 Q. And how did you -- and how did you make that  
11 determination?

12 A. Whenever I checked my -- my -- my duty gun,  
13 which was in my cargo pocket, the slide grip, which is  
14 a -- it's on a bottom slide, it was shattered. Then  
01:33 15 when I went to -- I went to clear -- I cleared that one.  
16 I went to clear this one, and -- and I took it out of  
17 the holster, and because it has retention, the slide  
18 never -- the slide never got to go back. So the -- the  
19 casing was still in the slide.

01:33 20 Q. Okay. And when you say "this one" and "that  
21 one" --

22 A. I'm sorry.

23 Q. No, no. It's okay. I just want to make sure.  
24 So you had a secondary service pistol that  
01:33 25 you carried, and it was in your pocket; correct?

1 A. Yes.

2 Q. What was it?

3 A. It's a Sig Sauer, too. It's -- if you might

4 ought to get it. I'm not -- it's a 380, a smaller

01:33 5 version.

6 Q. Okay. That's fine.

7 A. But it's Sig Sauer, too.

8 Q. Okay. All right. Fair enough.

9 And what you're saying, then, is that the

01:33 10 discharge from the Sig Sauer P320 just damaged your

11 other pistol?

12 A. Correct. It looked like it -- it bounced --

13 hit the grip and bounced off into -- I'm not sure which

14 direction, but it was damaged.

01:34 15 Q. Did you report this to anyone at HPD?

16 A. Yes.

17 Q. And did you fill out any paperwork, any reports

18 of that nature with respect to this?

19 A. Yeah. Once I notified my chain of command,

01:34 20 I -- I had to file a police report with Harris County,

21 Precinct 4, who -- who has the -- who patrols my

22 neighborhood. So they --

23 Q. Okay.

24 A. -- had jurisdiction in -- in that report in the

01:34 25 area.

(Exhibit 1 marked.)

2 Q. (BY MR. HADA) All right. And I meant to do  
3 this a little earlier. I'm going to --

4 A. Sure.

01:34 5 Q. -- hand you, first of all, a subpoena, and you  
6 tell me if you received that, Exhibit 1?

7 A. Yes.

8 Q. And that's a -- a subpoena for you to appear  
9 here today; correct?

01:34 10 A. Correct.

11 | Q. Okay.

12 | (Exhibit 2 marked.)

13 Q. (BY MR. HADA) Okay. And Exhibit Number 2 is a  
14 deposition for you to appear here today?

01:34 15 | A. Yes.

16 Q. And that was attached to the subpoena when it  
17 was served on you?

18 A. Yes.

19 Q. All right, Officer. Just -- I know we talked  
01:34 20 about this off the record, but I wanted to talk to you  
21 about this on the record. One of the things I asked you  
22 to bring is "Any documents, including but not limited to  
23 reports, complaints, photographs, videos,  
24 correspondences, emails and complaints relating to the  
01:35 25 unintended discharge or firing without a trigger pull of

1 a Sig Sauer 3 -- P320 in your possession and/or use."

2 Did I read that correctly?

3 A. Yes.

4 Q. I understand -- well, first of all, did you  
01:35 5 bring any documents here today?

6 A. The only document I have digitally is the --  
7 the -- the police report.

8 Q. The video?

9 A. The video as well.

01:35 10 Q. Okay. And you --

11 A. And --

12 Q. Have you --

13 A. And -- and some pictures of -- that I took of  
14 the -- the condition they were in at the time.

01:35 15 Q. Okay. And we're going to -- like I said, we're  
16 going to look at that video in just a second, but I  
17 wanted to -- to get through that housekeeping part of  
18 it, which I should have started off with. So apologize.

19 So did you -- did you bring your P320 into  
01:35 20 the H -- the Houston Police Department and, I guess,  
21 present it to anyone to try to determine what was going  
22 on with it?

23 A. Yes. I -- I took it to our -- our firearms  
24 ranges because that's our policy.

01:36 25 Q. And do you know who that was?

1           A. I don't know who actually checked it.

2           Q. And did they ever come back and tell you what  
3 they found?

4           A. They -- they didn't find anything wrong with  
01:36 5 it.

6           Q. Do you know what happened to the pistol today,  
7 where it is?

8           A. I have -- I have taken out the fire control  
9 unit out, and I've switch -- I've swapped it out with  
01:36 10 a -- with a new one. So the fire control unit is by  
11 itself now. And the -- the rest of the parts for the  
12 action, the one that -- that occurred, I -- I still  
13 carry on duty with a different fire mechanism.

14           Q. Okay. So you're basically -- what you're  
01:36 15 saying is you're still caring the P320?

16           A. Yes.

17           Q. All right. But you made the -- what -- what --  
18 I'm sorry, sir.

19                          You said that you changed out the slide  
01:36 20 mechanism?

21           A. I changed out the fire mechan -- the trigger  
22 mechanism --

23           Q. Oh.

24           A. -- which is the serialized pers -- portion and  
01:36 25 the trigger.

1 Q. And what did you replace it with?

2 A. It's another P320 fire control unit. It's in  
3 gold this time.

4 Q. Okay. So we've talked about there's -- I've  
01:37 5 seen two videos of the incident. Is that your  
6 recollection --

7 A. Yes.

8 Q. -- as well?

9 All right. And we'll talk about them. But  
01:37 10 these -- do you know -- they -- they seem to be two  
11 views; is that accurate?

12 A. Correct.

13 Q. Okay. Were these recording devices belong --  
14 do they belong to you?

01:37 15 A. Yes.

16 Q. The first one, let's see --

17 MR. GIBSON: Jim -- Jim, while you're  
18 looking at that, I just want to make sure, did -- did he  
19 say he brought documents with him?

01:37 20 MR. HADA: No. He -- he -- he does not  
21 have any documents.

22 MR. GIBSON: Okay. I just -- I didn't have  
23 any. So I wanted to make sure there wasn't something I  
24 was missing. Thank you.

01:38 25 MR. HADA: No, no worries.

1 Q. (BY MR. HADA) All right. The first one that I  
2 am going to show you is -- it's titled, at least what I  
3 have, is -- give me one second.

4 A. Sure.

01:38 5 Q. All right.

6 MR. GIBSON: And, Madam Reporter, are we  
7 going to be able to show this on the screen so I can see  
8 the video?

9 THE REPORTER: I can turn the Zoom thing  
10 around so you're not looking at the officer and you can  
11 see the video if you'd like.

12 MR. GIBSON: Okay.

13 MR. HADA: Yeah, that -- that's --

14 MR. GIBSON: I've only seen one video. So  
15 I just want to make sure.

16 MR. HADA: And just so --

17 THE REPORTER: Let me turn this first.

18 (Turning the Zoom screen so Mr. Gibson can  
19 watch the videos will be played.)

20 THE REPORTER: Can you see the --  
21 Ms. Videographer you might have to help me get the -- I  
22 got it.

23 THE VIDEOGRAPHER: Okay.

24 THE REPORTER: I got it.

25 All right. Can you see that screen, sir?

1                   MR. GIBSON: I can. I don't know how much  
2 I'll be able to see, but at least I can see something.

3                   MR. HADA: I'll -- I'll make it -- I'll  
4 make it bigger, Counsel, at the time I show it.

5                   MR. GIBSON: Yeah. Yeah. No problem. No  
6 problem.

7                   MR. HADA: Okay. Are we ready to go back  
8 on the record?

9                   THE REPORTER: Yes.

01:39 10           MR. HADA: Okay. So I've got this also  
11 burned onto a disk, and -- and -- and what I want to do  
12 is to mark it as Exhibit 3. These are both of these  
13 videos I'm about to show Officer Reye -- or  
14 Sergeant Reyes, but I don't want to put a sticker -- I  
01:39 15 mean, on the case or do you want me to put it on the --  
16 the video itself?

17                   THE REPORTER: It's your preference.

18                   MR. HADA: Well, I don't -- sometimes  
19 people put these in and these stickers can come up and.

20                   THE REPORTER: You can put it on the case.  
21 It's your choice.

22                   MR. HADA: All right. That's fine. I'm  
23 going to put it on the case.

24                   (Exhibit 3 marked.)

01:39 25           MR. HADA: Counsel, what I'm doing is

1 Exhibit Number 3 is a -- is a CD of both of these movies  
2 or videos that I'm about to show.

3 MR. GIBSON: Okay. Thank you.

4 Q. (BY MR. HADA) Okay. The first one, Sergeant  
01:40 5 Reyes, is "Houston, March 28, 2022, Second Angle.MP4."  
6 Do you see that?

7 A. Yes.

8           Q. Okay. Let's see if I can get this to play.  
9 All right.

01:40 10 | (Video playing.)

11 Q. (BY MR. HADA) Can you tell us what we're  
12 looking at from this angle?

13 A. This is the entryway to the front of my  
14 residence.

Q. And what -- what device is this recorded on?

A. This is a Lorex security camera, a DVR system.

17 Q. And did you purchase that?

18 A. Yes.

19 Q. And did you install it?

01:40 20 A. No, I had somebody install the cameras. The --  
21 the DVR is just a DVR so you connect it to it.

22 Q. Did -- do you know what -- approximately what  
23 year this was installed?

24 A. It was after -- after Harvey, I think. So  
01:40 25 '17 -- '17 or '18.

1 Q. Yeah, I think that that would have been --

2 A. It should have been '18, then.

3 Q. Yeah. I think Harvey was August 2018; is that  
4 right?

01:41 5 MR. GIBSON: No, 2017.

6 A. '17.

7 Q. (BY MR. HADA) 2017. So --

8 MR. GIBSON: The Astros won the  
9 World Series that year.

01:41 10 THE WITNESS: Yes, sir. So it was --

11 MR. GIBSON: I'm from Houston. So I know  
12 these things.

13 MR. HADA: Oh, okay.

14 A. It was after that, I believe. So it had to be  
01:41 15 either late 2017 or early 2018.

16 Q. (BY MR. HADA) Understood. All right.

17 All right. So let's take a look at this.  
18 I'm going to play it.

19 (Video playing.)

01:41 20 Q. (BY MR. HADA) And is that -- who is that by the  
21 car?

22 A. That's me.

23 Q. Okay. And what is it showing you doing?

24 A. That's me opening the passenger -- the rear  
01:41 25 passenger door and --

1 Q. Okay.

2 A. -- and just starting to put my gear into my --  
3 the back seat of my truck.

4 Q. All right. All right. And that what we heard  
01:41 5 sounded to be a discharge of a gun?

6 A. Correct.

7 Q. And that was at 10 -- this whole -- this whole  
8 clip, it lasts 20 seconds; correct?

9 A. Yes.

01:41 10 Q. And that was basically midpoint through?

11 A. Yes.

12 Q. Then there's another -- were you attempting to  
13 determine where that came from?

14 A. Correct.

01:42 15 Q. Is this a fair and accurate representation of  
16 what occurred to you on March 28, 2022, at approximately  
17 7:12 a.m. in the morning?

18 A. Yes.

19 Q. Okay. And this was your recording device?

01:42 20 A. Yes.

21 Q. Now, the second video that I'm going to show  
22 you is marked or identified as Houston, March 28, 2022,  
23 and it's a .MOV is the -- I guess after the title of it.  
24 And this looks to be a different angle?

01:42 25 A. Yes.

1 Q. What is this being recorded on?

2 A. I think that was a recording on my phone, of  
3 the actual DVR on my TV because it's zoomed in a lot.  
4 So I was trying to show, well, my chain, first of all,  
01:42 5 and then that -- just a better angle of the incident.

6 Q. Is it the same camera we just saw --

7 A. No.

8 Q. -- or is it a different camera?

9 A. It's a different camera.

01:43 10 Q. And where was this camera installed?

11 A. It's in the front left of the -- on the roof  
12 line of the residence.

13 Q. Of your home?

14 A. Yes.

01:43 15 Q. All right. And do you know what kind of  
16 recording device this was?

17 A. It's part of the same DVR system.

18 Q. Installed at the same time?

19 A. Yes.

01:43 20 Q. And you purchased it again?

21 A. Correct.

22 (Video playing.)

23 Q. (BY MR. HADA) This looks to be, again, 20  
24 seconds long. Is this a -- and this shows -- who is  
01:43 25 that we see in the -- in the video?

1 A. That's still me.

2 Q. And is that the, I guess, stuff that you were  
3 carrying at that time?

4 A. Correct.

01:43 5 Q. Does it help refresh your recollection what you  
6 were carrying?

7 A. That's still -- I know it was my rifle bag and  
8 my backpack. I'm not sure what else is in my hands.

9 Q. Okay. Okay. And then we're going to continue  
01:43 10 it on.

11 (Video playing.)

12 Q. (BY MR. HADA) Okay. Right there, I guess, at  
13 approximately 15, 16 seconds, it looked to be a -- a --  
14 a muzzle flash. Did you see that?

01:44 15 A. Yes.

16 Q. Okay. At this point had you -- at the time  
17 that we see the muzzle flash, did you have the equipment  
18 you were carrying to the car in your hands at that time?

19 A. It was -- well, it's hard to tell. It was  
01:44 20 either in my hands, holding it in my right hand. But it  
21 might have been laying on the -- the back seat already,  
22 and I was trying to adjust. But it was in my right hand  
23 still.

24 Q. Right. Okay. But it wasn't over your shoulder  
01:44 25 any longer. It was --

1 A. No.

2 Q. You had already put the process of putting it  
3 in the back seat?

4 A. Correct.

01:44 5 Q. All right. And then we're going to continue  
6 on.

7 (Video playing.)

8 Q. (BY MR. HADA) And it looks you're -- what are  
9 you doing there towards the end of that 20-second clip?

01:45 10 A. That's when I started just trying to figure out  
11 where -- where the shot came from.

12 Q. Okay. So is this a fair and accurate depiction  
13 of what occurred to you on March the 28th, 2022, that  
14 morning about 7:00 o'clock in the morning?

01:45 15 A. Yes.

16 Q. Does that accurately reflect what happened to  
17 you with respect to the unintended trigger -- the  
18 unintended discharge of your P320?

19 A. Correct.

20 THE REPORTER: Do you want me to turn you  
21 back around, Counsel?

22 MR. HADA: Yes, I'm done.

23 MR. GIBSON: Yes, please. Thank you.

24 He's a handsome man. So I want to make  
25 sure I'm looking at him.

1                   THE WITNESS: I appreciate it.

2                   MR. HADA: Don't let him flatter you.

3                   Okay. Let's -- Counsel, I just want to  
4 take a couple of minutes and go off the record and look  
01:46 5 over my notes, and I think I'm -- I'm wrapping up.

6 Okay?

7                   MR. GIBSON: Sure.

8                   MR. HADA: All right.

9                   THE VIDEOGRAPHER: The time is 1:45. We  
01:46 10 are off the record.

11                  (Recess from 1:45 p.m. to 1:47 p.m.)

12                  THE VIDEOGRAPHER: The time is 1:47. We  
13 are on the record.

14                  Q. (BY MR. HADA) Sergeant Reyes, have you  
01:47 15 understood my questions today?

16                  A. Yes.

17                  Q. And have I let you answer all my questions  
18 without interruption?

19                  A. Yes.

01:47 20                  MR. HADA: Thank you, sir. I pass the  
21 witness.

22                   EXAMINATION

23                  QUESTIONS BY MR. BRIAN KEITH GIBSON:

24                  Q. Just a -- a few things, Sergeant Reyes.

01:48 25                  I want to go back to the pistols that

1 you've carried on duty. And I believe you said the  
2 first pistol you had in the academy was a P226; is that  
3 correct?

4 A. Yes.

01:48 5 Q. And can you just, if you recall, let me know  
6 why you chose the P226 as your duty weapon initially.

7 A. I didn't really have a -- a particular reason.  
8 The options were Glock, Sig and -- and the  
9 Smith & Wesson. And I just felt like it was a higher  
01:48 10 quality in my hand than the plastic, a Glock, and I  
11 didn't like the safety of the Smith I believe it was.

12 Q. Okay. So you liked the way the P226 felt in  
13 your hand. You liked the weight of it, things like  
14 that?

01:48 15 A. Yes.

16 Q. Had you done any research about either the 226  
17 or Sig Sauer generally prior to making your decision to  
18 purchase the 226?

19 A. Not really, no. Uh-uh.

01:48 20 Q. Did the 226 have a manual thumb safety?

21 A. Not mine, no.

22 Q. Okay. Is a manual thumb safety something that  
23 you look for in a pistol, you prefer without one, or is  
24 it not something that really makes a difference one way  
01:49 25 or the other for you?

1       A. So far pistol handles don't have a safety on  
2 it. I -- I just don't -- don't have a gun when it has a  
3 safety.

4       Q. Is that an intentional decision, or it's just  
01:49 5 the way it's worked out?

6       A. It's just the way it's worked out. Now -- now  
7 I'm a little more of -- how do I say this -- I guess I  
8 do a little more research into pistols I get now, and I  
9 just go by quality, I guess.

01:49 10      Q. Do any of the pistols that you own currently or  
11 that you've owned during your law enforcement career  
12 have manual safeties?

13      A. No.

14      Q. And you're aware manual safeties are available  
01:49 15 on pistols; correct?

16      A. Yes.

17      Q. Does the Houston Police Department have any  
18 policy either encouraging, discouraging, prohibiting  
19 allowing manual safeties on the pistols that you use?

01:49 20      A. No, there's no policy that I'm aware of it.

21      Q. Okay. Now, did you switch directly from the  
22 P226 to the P320, or did -- were there any other pistols  
23 in between?

24      A. No. The only duty pistols I've had is a  
01:50 25 Sig Sauer 226 and P320 after that.

1 Q. Okay. And I believe -- and correct me if I'm  
2 wrong -- but I believe you said that you purchased your  
3 P320 around the time it was made available to the  
4 market; is that correct?

01:50 5 | A. Yes.

6 Q. Okay. So the -- the P320 was first available  
7 for sale in the spring of 2014. Does that give you some  
8 kind of time frame as to when you may have purchased it?

9 A. No -- well, the -- the version I'm carrying is  
01:50 10 actually the XFIVE. So whenever the XFIVE came out.

11 Q. Okay.

12           A. The fire mechanism for the XFIVE, when that  
13 first came out. I -- I also did switch over to the P320  
14 initially, and then I -- I switched over to the XFIVE  
01:50 15 because of the flat trigger when it came or.

16 Q. Okay. So this is actually the second P320  
17 you've had?

18 A. Yes.

19 Q. Got it.

01:51 20 So you believe you bought your first P320  
21 around 2014, 2015, and then you upgraded at some point  
22 later?

23 A. Yes. Whenever the XFIVE came out is when I  
24 upgraded.

01:51 25 Q. Okay. Do you have any sense for how long

1 before the incident you had owned the subject P320? Are  
2 we talking two years, three years, four years? I don't  
3 need an exact date, but any idea?

4 A. It was a few years, at least.

01:51 5 Q. Okay. Are you familiar with the voluntary  
6 upgrade program for the P320 pistols?

7 A. Yes.

8 Q. Did you ever participate in the voluntary  
9 upgrade with your initial P320 pistol?

01:51 10 A. I did.

11 Q. Okay. Do you still have your initial -- your  
12 original P320 pistol?

13 A. Yes.

14 Q. Okay. Do you still use it?

01:51 15 A. Not -- not as much as the other ones, no.

16 Q. Okay. And have you ever dropped your P320, any  
17 of them?

18 A. I'm sure I have. I don't recall a specific  
19 time or place.

01:52 20 Q. Okay. I mean, I guess maybe what I'm looking  
21 for is -- is did you ever have a P320 discharge when you  
22 dropped it?

23 A. No.

24 Q. Okay. Now, when you switched from the P226 to  
01:52 25 the P320, why -- why were you making the switch? Were

1 you looking to go to a striker-fired pistol, something  
2 else?

3 A. I did want to go to striker fire, but I also  
4 wanted to change caliber because my initial one was a  
01:52 5 40 caliber, P226. It's a little harsher round to shoot.  
6 And the -- and the 226 has a double-action, first  
7 trigger pull. So I was looking for something a little  
8 lighter on the initial trigger pull and a smaller round  
9 just to be able to carry more -- more rounds in my  
01:52 10 magazine.

11 Q. Okay. What size was your initial P320? Was it  
12 Full Compact, Carry?

13 A. Full size.

14 Q. Okay. How about the subject P320, the XFIVE,  
01:52 15 is that a full size as well?

16 A. The XFIVE had -- yes, it's full size. But like  
17 I say, I switched out the slide. So it's a full-size  
18 slide with the XFIVE mechan -- mechanism.

19 Q. Got it.

01:53 20 And you mentioned you -- you got the custom  
21 slide so you could add the red dot. Why did you switch  
22 out the grip module?

23 A. That was just preference because the XFIVE --  
24 the XFIVE grip is -- it's heavy. I mean, it's for  
01:53 25 competition, but it's heavy. So I wanted something

1 lighter. And there's a few times where I had to hold a  
2 pistol for longer than, you know, I wanted to in my hand  
3 pointing, and it just gets heavy after a few hours.

4 Q. Understood. So -- so you're -- you're trying  
01:53 5 to lower the weight of the pistol overall?

6 A. Correct.

7 Q. Okay. Now, the holster that you were carrying  
8 your pistol in at the time, now, you said that was a  
9 Safariland. Do you know the model designation?

01:53 10 A. It was a 6300 series. I have it in the  
11 pictures that are on my flash drive, but I don't -- I'm  
12 not -- I don't know off top of my head which -- which  
13 one it was. It believe a 6360.

14 Q. Is it a light bearing holster?

01:54 15 A. Yes.

16 Q. Okay. Did you have a light attached to your  
17 P320 at the time of the incident?

18 A. No.

19 Q. Okay. So the holster is light bearing, but at  
01:54 20 the time you did not have a light attached; is that --

21 A. Correct.

22 Q. -- accurate? Okay.

23 Other than the red dot, any other  
24 attachments to your P320 pistol at the time of the  
01:54 25 incident?

1 A. No.

2 Q. Was there any damage to the holster in the  
3 incident?

4 A. I believe the -- the -- there's a part in the  
01:54 5 front. It's only at the academy that -- that it holds  
6 the -- it's kind of like a muzzle stop. I guess that --  
7 that got blown out.

8 Q. Okay. Do you still have the holster?

9 A. I do.

01:54 10 Q. Do you still use it?

11 A. No.

12 Q. Okay. And I believe you said after the  
13 incident you gave the pistol to the HPD; is that  
14 correct?

01:55 15 A. Well, for -- per our policy, they have to  
16 test -- they have to look at it and try to see and  
17 determine if there's any kind of mechanical issues with  
18 it. They have to test fire it. So that's part of our  
19 policy. So they -- they took it for a few hours and...

01:55 20 Q. Okay. Do you know what they did with the  
21 pistol when they had it, HPD?

22 A. No. I mean, they -- they're -- they're  
23 armorers. So I'm not sure what they did. But I know  
24 they test fired it after -- after they looked at it.

01:55 25 Q. Do you know if they disassembled it all?

1           A. I don't know. I -- I can't speak to that.

2           Q. Okay. Have you ever seen any written report  
3 regarding the examination of your P320 pistol after the  
4 incident?

01:55 5           A. The only one I got was from Sig Sauer back when  
6 I -- when I -- I sent it to you guys to -- to have --  
7 have you guys look at it as well to find out what  
8 happened.

9           Q. Okay. But from the HPD you haven't seen any  
01:55 10 written report?

11          A. I -- I got a paper, but it was submitted with  
12 my -- my -- my paperwork I have to send up to my chain.  
13 So I -- I have -- I got it, but they asked that I turn  
14 it in. So I don't have it.

01:56 15          Q. Okay. So -- so there was one. You just don't  
16 recall what it says; is that fair?

17          A. It said -- they said there was no -- no  
18 malfunctions. But like I said, I don't have that in my  
19 possession. It -- it was --

01:56 20          Q. Okay.

21          A. -- submitted to the department.

22          Q. Okay. Other than wanting to change your to  
23 striker fire and a -- a lighter -- a lower caliber, any  
24 other reasons that you selected the P320 when you  
01:56 25 switched from the P226?

1           A. No. Like I said, that's just the -- I wanted  
2 to stick with Sig Sauer because I -- I was familiar with  
3 the -- with the -- the platform --

4           Q. Yeah.

01:56 5           A. -- I mean, to an extent. So that -- that's why  
6 I stuck with Sig Sauer, and that was -- that was what  
7 the options were that the department gave us as far as  
8 what we could use on duty.

9           Q. Okay. Could you continue to use the 226, or  
01:56 10 did you have to switch to a -- to a striker fire pistol?

11           A. No. I could -- I could have stayed with the  
12 226.

13           Q. Okay. Any issues with your 226 when you used  
14 it?

01:57 15           A. No.

16           Q. Okay. How about your initial P320, before you  
17 got the XFIVE, any issues with that?

18           A. No.

19           Q. Had you made any modifications to that 320?

01:57 20           A. I don't recall making any extensive ones  
21 like -- like this one.

22           Q. Okay. So it had the factory slide, factory  
23 grip?

24           A. Yeah.

01:57 25           Q. Okay. Prior to the incident, any issues with

1 your P320 XFIVE?

2 A. No.

3 Q. Did you like the way it handled, like the way  
4 it shot?

01:57 5 A. Yes.

6 Q. And I believe you said after the incident you  
7 removed the fire control unit from the -- the P320 that  
8 you were carrying at the time of the incident, and you  
9 replaced it with a different fire control unit; is that

01:57 10 correct?

11 A. Yes.

12 Q. You're still using the Wilson Combat grip and  
13 the -- I believe you said Grey Ghost slide, but it's  
14 just a different fire control unit --

01:57 15 A. Yes.

16 Q. -- is that accurate?

17 A. Yes.

18 Q. Any issues with your 320 since you've switched  
19 out the fire control unit?

01:57 20 A. So far, no.

21 Q. Do you have any concerns carrying a 320 since  
22 your incident?

23 A. I'm still carrying it. So, no.

24 Q. Now, you may have mentioned this -- I may have  
01:58 25 missed it -- but what was your backup pistol you said you

1 had in -- in your pocket? What kind of a pistol is  
2 that?

3 A. It's a 380 Sig Sauer. I -- I can't for -- I'm  
4 drawing a blank on the model number. I do have --

01:58 5 Q. Is it another -- is it another striker fire, or  
6 is it a hammer fire?

7 A. That one -- that -- you know what, that one  
8 actually does have a safety, I'm sorry. I apol -- I  
9 retract my previous. That one is a hammer fired,  
01:58 10 safety, 380 magazine.

11 Q. Okay. So it's not a P365 pistol?

12 A. No. I -- I have that one as well, but that's  
13 not the one I was carrying with me that day.

14 Q. Okay. So the backup pistol you were carrying  
01:58 15 is a Sig and it has a hammer. You just can't recall the  
16 model?

17 A. It's -- yeah. It's a 380 caliber version of  
18 it. I -- I want to say a 238, but I'm not sure that's  
19 the right --

01:58 20 Q. Okay. And that did have a manual thumb safety?

21 A. Yes.

22 Q. And is there a reason you selected to have a  
23 manual thumb safety with that pistol, or is it just kind  
24 of what you ended up purchasing?

01:59 25 A. No. That one was just because of the size.

1 That was a very small, you know, pistol I could carry --

2 Q. Yeah.

3 A. -- pretty much anywhere, and I needed to -- as  
4 a backup to my full-size duty pistol.

01:59 5 Q. Got it.

6 MR. GIBSON: I think that's it. Let me  
7 just check through my notes real quick.

8 Q. (BY MR. GIBSON) And you -- you mentioned the  
9 HPD armorer looked at the -- the pistol. Fair to say  
01:59 10 you're not an armorer for the P320?

11 A. No.

12 Q. Are you an armorer for any handgun?

13 A. No.

14 Q. Okay. After the incident, did you contact  
01:59 15 Sig Sauer, or was that done through the department?

16 A. No, I contacted them.

17 Q. Okay. And you sent your pistol in for  
18 inspection, and they returned it to you?

19 A. Yes.

20 Q. Okay. Other than contacting them and letting  
21 them know what happened, any other discussions with  
22 Sig Sauer since the time of -- of your incident?

23 A. No.

24 Q. Okay.

02:00 25 MR. GIBSON: Sergeant, that's all I have.

1 Thank you very much for your time.

2 THE WITNESS: Thank you.

3 EXAMINATION

4 QUESTIONS BY MR. JAMES H. HADA:

02:00 5 Q. Just a quick question. I'm a little unclear.

6 Did you get a written report back from  
7 Sig Sauer?

8 A. I did. I no longer have that report. I'm  
9 sorry.

02:00 10 Q. That's okay.

11 A. Yeah.

12 Q. What -- did you send it to HPD? What did you  
13 do with it?

14 A. No, that one I just -- I had it somewhere in my  
02:00 15 house, and I just -- I don't know where it's -- where it  
16 went, so...

17 Q. Did -- did Sig Sauer in this report give you  
18 any opinions about why your gun discharged?

19 A. No. They said that -- I believe the report  
02:00 20 said something must have fallen inside the trigger  
21 mechanism and discharged it. But there was -- they  
22 found no defects with the gun.

23 Q. Okay. Do you -- do you believe that that could  
24 have happened in -- in your case?

02:01 25 A. No. I mean, I walked from my door to my -- to

1 my truck without nothing in my hand -- or nothing near  
2 the -- the -- the holster. So I don't -- I don't  
3 believe that happened but...

4 Q. Understood.

02:01 5 MR. HADA: All right. That's all the  
6 questions I have, Sergeant. I really appreciate it.

7 THE WITNESS: Okay.

8 MR. HADA: Anything else --

9 MR. GIBSON: Thanks for your time.

02:01 10 MR. HADA: -- Counsel?

11 MR. GIBSON: No. Thank you.

12 MR. HADA: Okay.

13 THE VIDEOGRAPHER: The time is 2:01. We  
14 are off the record.

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1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF TEXAS  
3                   BEAUMONT DIVISION

4 BRITTANY B. HILTON, \*  
5 Plaintiff, \*  
6 VS. \* C.A. NO. 1:21-cv-00441 MJT  
7 SIG SAUER, INC. \*  
8 Defendant. \*

9                   REPORTER'S CERTIFICATION  
10                  ORAL VIDEOTAPED DEPOSITION OF  
11                  SERGEANT MARVIN REYES  
12                  AUGUST 11, 2022

13                  I, Debbie Boothe, Certified Shorthand Reporter  
14                  in and for the State of Texas, hereby certify to the  
15                  following:

16                  That the witness, SERGEANT MARVIN REYES, was  
17                  duly sworn by the officer and that the transcript of the  
18                  oral deposition is a true record of the testimony given  
19                  by the witness;

20                  I further certify that pursuant to FRCP Rule  
21                  30(f)(1) that the signature of the deponent:

22                  \_\_\_\_\_ was requested by the deponent or a party  
23                  before the completion of the deposition and returned  
24                  within 30 days from date of receipt of the transcript.  
25                  If returned, the attached Changes and Signature Page

1 contains any changes and the reasons therefor:

2           X was not requested by the deponent or a  
3 party before the completion of the deposition.

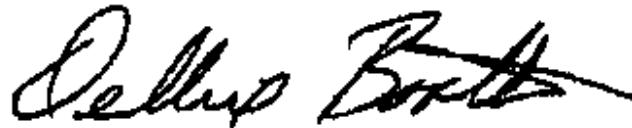
4           I further certify that I am neither attorney  
5 nor counsel for, related to, nor employed by any of the  
6 parties to the action in which this testimony was taken.  
7 Further, I am not a relative or employee of any attorney  
8 of record in this cause, nor am I financially or  
9 otherwise interested in the outcome of the action.

10           Subscribed and sworn to on this the 23rd  
11 day of August, 2022.

12

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<p><b>Exhibits</b></p> <p><b>Reyes 001</b> 4:7 25:1,6  <b>Reyes 002</b> 4:9 25:12,13  <b>Reyes 003</b> 4:12 30:12,24  31:1</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1</b> 5:2 25:1,6  <b>10</b> 14:18 33:7  <b>11</b> 5:4  <b>15</b> 14:18 35:13  <b>16</b> 35:13  <b>17</b> 31:25 32:6  <b>18</b> 31:25 32:2  <b>1:13</b> 5:5  <b>1:45</b> 37:9,11  <b>1:47</b> 37:11,12</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2</b> 14:18 25:12,13  <b>20</b> 33:8 34:23  <b>20-second</b> 36:9  <b>2000</b> 9:14  <b>2003</b> 8:8  <b>2007</b> 6:12,15 8:8 9:3  <b>2008</b> 6:17,18 9:9,15  <b>2014</b> 40:7,21  <b>2015</b> 40:21  <b>2016</b> 9:23 11:3  <b>2017</b> 32:5,7,15  <b>2018</b> 32:3,15  <b>2022</b> 5:4 15:15,16 31:5  33:16,22 36:13</p>	<p><b>226</b> 12:5,21 14:2 38:16,18,  20 39:25 42:6 46:9,12,13</p> <p><b>238</b> 48:18</p> <p><b>25</b> 14:19</p> <p><b>28</b> 15:16 31:5 33:16,22</p> <p><b>28th</b> 36:13</p> <p><b>2:01</b> 51:13</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3</b> 20:18 26:1 30:12,24 31:1</p> <p><b>320</b> 14:4 46:19 47:18,21</p> <p><b>380</b> 24:4 48:3,10,17</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>4</b> 24:21</p> <p><b>40</b> 11:16,24 42:5</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>50</b> 7:17 10:6 14:14,15,17</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>6300</b> 43:10</p> <p><b>6360</b> 43:13</p> <p><b>6:12</b> 16:17</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p><b>7</b> 14:18</p> <p><b>7:00</b> 17:8 36:14</p> <p><b>7:12</b> 33:17</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p><b>8</b> 9:16</p>	<p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 12:9,11</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>a.m.</b> 33:17</p> <p><b>academy</b> 6:12,13,16 7:6,  9,12 9:5 10:5,14,15 12:16  13:22,24 38:2 44:5</p> <p><b>accurate</b> 15:11 28:11  33:15 36:12 43:22 47:16</p> <p><b>accurately</b> 36:16</p> <p><b>action</b> 27:12</p> <p><b>actual</b> 20:10 34:3</p> <p><b>add</b> 42:21</p> <p><b>additional</b> 11:4,10,25</p> <p><b>adjust</b> 35:22</p> <p><b>adopted</b> 13:23</p> <p><b>aftermarket</b> 20:5,7 21:17</p> <p><b>allowing</b> 39:19</p> <p><b>amount</b> 14:24 15:1</p> <p><b>and/or</b> 26:1</p> <p><b>angle</b> 31:12 33:24 34:5</p> <p><b>Angle.mp4.</b> 31:5</p> <p><b>apol</b> 48:8</p> <p><b>apologize</b> 26:18</p> <p><b>appearances</b> 5:7</p> <p><b>applied</b> 9:4</p> <p><b>approved</b> 12:17 13:4</p> <p><b>approximately</b> 12:23  16:17 31:22 33:16 35:13</p> <p><b>April</b> 15:15</p> <p><b>area</b> 7:3 24:25</p> <p><b>armor</b> 49:9,10,12</p>
--	--	--

<b>armorers</b> 44:23	<b>bigger</b> 30:4	<b>case</b> 30:15,20,23 50:24	
<b>Astros</b> 32:8	<b>bit</b> 6:6 7:11,22 16:3	<b>casing</b> 23:19	
<b>attach</b> 21:12,18	<b>blank</b> 48:4	<b>CD</b> 31:1	
<b>attached</b> 25:16 43:16,20	<b>blown</b> 44:7	<b>Central</b> 18:9	
<b>attachments</b> 43:24	<b>bottom</b> 20:7,9 23:14	<b>certification</b> 11:11	
<b>attempting</b> 33:12	<b>bought</b> 18:9 21:16 40:20	<b>certifications</b> 11:5,11	
<b>attendance</b> 5:6	<b>bounced</b> 24:12,13	<b>chain</b> 24:19 34:4 45:12	
<b>attorneys</b> 5:6	<b>branch</b> 7:25	<b>change</b> 12:17,18 42:4 45:22	
<b>August</b> 5:4 6:12 9:13,14 32:3	<b>BRIAN</b> 37:23	<b>changed</b> 12:20 14:15 19:18,19 27:19,21	
<b>aware</b> 39:14,20	<b>briefly</b> 16:19	<b>changing</b> 13:12,15	
<b>B</b>			
<b>back</b> 14:23 17:10 20:1,4 23:18 27:2 30:7 33:3 35:21 36:3,21 37:25 45:5 50:6	<b>bring</b> 25:22 26:5,19	<b>check</b> 22:22 49:7	
<b>background</b> 6:7	<b>brings</b> 9:7	<b>checked</b> 22:21,23 23:12 27:1	
<b>backpack</b> 17:1 35:8	<b>Brittany</b> 5:10	<b>choice</b> 30:21	
<b>backup</b> 22:22 47:25 48:14 49:4	<b>brought</b> 28:19	<b>choose</b> 13:16	
<b>bag</b> 16:25 35:7	<b>bullet</b> 23:5	<b>chose</b> 14:3 38:6	
<b>bags</b> 17:24	<b>burned</b> 30:11	<b>chosen</b> 13:8	
<b>ballpark</b> 10:14 12:24	<b>buy</b> 12:15,16	<b>class</b> 11:16	
<b>barrel</b> 19:20	<b>C</b>		
<b>base</b> 8:15	<b>caliber</b> 42:4,5 45:23 48:17	<b>classes</b> 11:10	
<b>basically</b> 8:15 20:9 27:14 33:10	<b>called</b> 20:5	<b>clean</b> 22:1,3	
<b>bearing</b> 43:14,19	<b>camera</b> 31:16 34:6,8,9,10	<b>cleaning</b> 21:23	
<b>began</b> 9:4	<b>cameras</b> 31:20	<b>clear</b> 23:15,16	
<b>beginning</b> 9:8 12:5,7 15:15	<b>car</b> 32:21 35:18	<b>cleared</b> 23:15	
<b>belong</b> 28:13,14	<b>care</b> 22:5	<b>clip</b> 33:8 36:9	
<b>belt</b> 17:20	<b>career</b> 12:7 13:25 39:11	<b>closest</b> 14:18	
<b>big</b> 13:13	<b>cargo</b> 22:23 23:13	<b>Combat</b> 20:8,20 47:12	
	<b>caring</b> 27:15	<b>command</b> 24:19	
	<b>carried</b> 14:1 18:2 23:25 38:1	<b>Compact</b> 42:12	
	<b>carry</b> 14:3,12 18:20 22:17 27:13 42:9,12 49:1	<b>competition</b> 42:25	
	<b>carrying</b> 16:21,25 17:24 35:3,6,18 40:9 43:7 47:8, 21,23 48:13,14	<b>complaints</b> 25:23,24	
		<b>completed</b> 6:24 9:11	
		<b>concerns</b> 47:21	

<b>condition</b> 26:14	<b>damaged</b> 24:10,14	<b>disk</b> 30:11
<b>connect</b> 31:21	<b>date</b> 5:4 15:13 41:3	<b>distances</b> 14:18
<b>consist</b> 8:12	<b>day</b> 16:16 48:13	<b>divided</b> 19:25
<b>consisted</b> 7:11	<b>days</b> 10:14,15	<b>document</b> 26:6
<b>consistent</b> 14:3	<b>decided</b> 13:22	<b>documents</b> 25:22 26:5 28:19,21
<b>contact</b> 49:14	<b>decision</b> 38:17 39:4	<b>door</b> 17:12,13 32:25 50:25
<b>contacted</b> 49:16	<b>defects</b> 50:22	<b>dot</b> 11:15,18,22 21:12,18 42:21 43:23
<b>contacting</b> 49:20	<b>department</b> 5:25 6:11 11:14 13:5 18:7 26:20 39:17 45:21 46:7 49:15	<b>double-action</b> 42:6
<b>continue</b> 10:1 35:9 36:5 46:9	<b>depending</b> 14:25	<b>drawing</b> 48:4
<b>control</b> 27:8,10 28:2 47:7, 9,14,19	<b>depends</b> 14:16	<b>drive</b> 17:8 43:11
<b>Corporal</b> 8:10	<b>depiction</b> 36:12	<b>dropped</b> 41:16,22
<b>Corps</b> 8:2	<b>deposition</b> 5:3 25:14	<b>duly</b> 5:16
<b>correct</b> 9:9,10,18 10:8,10 11:2 12:22 14:5 23:25 24:12 25:9,10 28:12 33:6, 8,14 34:21 35:4 36:4,19 38:3 39:15 40:1,4 43:6,21 44:14 47:10	<b>designation</b> 9:20 43:9	<b>duration</b> 13:25
<b>correctly</b> 26:2	<b>designed</b> 21:2,5	<b>duties</b> 8:11 18:22
<b>correspondences</b> 25:24	<b>determination</b> 23:11	<b>duty</b> 8:14 17:19,20 22:18 23:12 27:13 38:1,6 39:24 46:8 49:4
<b>cost</b> 21:14	<b>determine</b> 22:19,24 23:6 26:21 33:13 44:17	<b>DVR</b> 31:16,21 34:3,17
<b>Counsel</b> 30:4,25 36:21 37:3 51:10	<b>device</b> 31:15 33:19 34:16	<hr/> <b>E</b> <hr/>
<b>County</b> 24:20	<b>devices</b> 28:13	<b>earlier</b> 25:3
<b>couple</b> 37:4	<b>difference</b> 38:24	<b>early</b> 32:15
<b>court</b> 5:13	<b>digitally</b> 26:6	<b>emails</b> 25:24
<b>cover</b> 19:8	<b>direction</b> 24:14	<b>employed</b> 5:22,24 6:10
<b>covered</b> 14:7	<b>directly</b> 39:21	<b>encouraging</b> 39:18
<b>covers</b> 19:10	<b>disassembled</b> 44:25	<b>end</b> 8:13 15:14 36:9
<b>current</b> 21:12	<b>discharge</b> 15:10,25 16:8, 22 17:15 18:4,25 22:14, 15 23:7,8 24:10 25:25 33:5 36:18 41:21	<b>ended</b> 48:24
<b>custom</b> 42:20	<b>discharged</b> 8:5 10:13 17:25 19:11 22:24 50:18, 21	<b>enforcement</b> 39:11
<hr/> <b>D</b> <hr/>	<b>discouraging</b> 39:18	<b>entangled</b> 18:3
<b>damage</b> 44:2	<b>discussed</b> 22:11	<b>entered</b> 6:12
	<b>discussions</b> 49:21	<b>entire</b> 13:24 20:9
		<b>entry</b> 8:14

**entryway** 31:13  
**equipment** 35:17  
**eventually** 23:4  
**exact** 41:3  
**exam** 10:23 11:1  
**examination** 5:17 37:22  
  45:3 50:3  
**exhibit** 25:1,6,12,13  
  30:12,24 31:1  
**existing** 16:23  
**experience** 7:20,24  
**experienced** 15:9  
**exposed** 19:3,4  
**extensive** 46:20  
**extent** 8:16 11:25 46:5

**F**

**face** 14:24  
**factory** 19:21 46:22  
**fair** 18:18 24:8 33:15  
  36:12 45:16 49:9  
**fallen** 50:20  
**familiar** 41:5 46:2  
**February** 6:17,18 9:9  
**fellow** 18:14  
**felt** 38:9,12  
**figure** 36:10  
**file** 24:20  
**fill** 24:17  
**find** 23:2,4,5 27:4 45:7  
**fine** 24:6 30:22  
**fingers** 19:12  
**fire** 12:3 27:8,10,13,21  
  28:2 40:12 42:3 44:18  
  45:23 46:10 47:7,9,14,19

48:5,6  
**firearm** 10:19 12:18 13:5  
  14:11  
**firearms** 7:8,13 8:19,22,  
  24 10:2,4,17 11:6,7,12  
  12:1,3,16 13:7 26:23  
**fired** 44:24 48:9  
**firing** 25:25  
**flash** 35:14,17 43:11  
**flat** 40:15  
**flatter** 37:2  
**found** 27:3 50:22  
**frame** 14:16 40:8  
**front** 13:20 16:9,24 31:13  
  34:11 44:5  
**full** 42:12,13,15,16  
**full-size** 42:17 49:4

**G**

**gates** 8:14,15  
**gave** 44:13 46:7  
**gear** 33:2  
**generally** 16:6 38:17  
**gentlemen** 5:20 7:10  
**Ghost** 20:6,18 47:13  
**Gibson** 5:11 20:12,16,19,  
  22 28:17,22 29:6,12,14,  
  18 30:1,5 31:3 32:5,8,11  
  36:23 37:7,23 49:6,8,25  
  51:9,11  
**give** 14:23 16:19 29:3  
  40:7 50:17  
**Glock** 13:12,21 38:8,10  
**gold** 28:3  
**graduate** 7:9  
**graduated** 6:15,18

**Grey** 20:6,17 47:13  
**grip** 19:18,22 20:9,19  
  23:13 24:13 42:22,24  
  46:23 47:12  
**guard** 19:10  
**guess** 9:17 10:16 21:6  
  23:7 26:20 33:23 35:2,12  
  39:7,9 41:20 44:6  
**gun** 19:11 21:23 22:1  
  23:12 33:5 39:2 50:18,22  
**guns** 9:1 22:17  
**gunshot** 22:20  
**guys** 45:6,7

**H**

**Hada** 5:9,18 20:24,25  
  25:2,13 28:20,25 29:1,13,  
  16 30:3,7,10,18,22,25  
  31:4,11 32:7,13,16,20  
  34:23 35:12 36:8,22 37:2,  
  8,14,20 50:4 51:5,8,10,12  
**half** 20:9  
**halves** 19:25  
**hammer** 48:6,9,15  
**hand** 17:2,4 25:5 35:20,22  
  38:10,13 43:2 51:1  
**handgun** 49:12  
**handguns** 7:7,20,23,24  
  9:1 13:7  
**handled** 47:3  
**handles** 39:1  
**handling** 7:13 11:5,12  
**hands** 7:18 35:8,18,20  
**handsome** 36:24  
**happened** 12:24 27:6  
  36:16 45:8 49:21 50:24  
  51:3

<b>hard</b> 35:19	<b>incident</b> 28:5 34:5 41:1 43:17,25 44:3,13 45:4 46:25 47:6,8,22 49:14,22	<b>Kelly</b> 5:12
<b>Harris</b> 24:20	<b>include</b> 9:1	<b>kind</b> 10:19 11:24 15:22 16:2 34:15 40:8 44:6,17 48:1,23
<b>harsher</b> 42:5	<b>including</b> 11:9,14 25:22	<hr/> <b>L</b> <hr/>
<b>Harvey</b> 31:24 32:3	<b>indication</b> 14:25	<b>labeled</b> 5:2
<b>head</b> 13:3 43:12	<b>information</b> 21:7	<b>ladies</b> 5:19 7:10
<b>hear</b> 20:16	<b>initial</b> 41:9,11 42:4,8,11 46:16	<b>laid</b> 13:19
<b>heard</b> 33:4	<b>initially</b> 38:6 40:14	<b>lasts</b> 6:13 33:8
<b>heavy</b> 42:24,25 43:3	<b>inside</b> 50:20	<b>late</b> 32:15
<b>higher</b> 38:9	<b>inspection</b> 49:18	<b>law</b> 39:11
<b>highest</b> 8:9	<b>install</b> 31:19,20	<b>laying</b> 35:21
<b>Hilton</b> 5:10	<b>installed</b> 31:23 34:10,18	<b>leave</b> 19:3,4
<b>hit</b> 23:2 24:13	<b>intentional</b> 39:4	<b>left</b> 34:11
<b>hold</b> 43:1	<b>interrupt</b> 20:13,23	<b>lengths</b> 7:18
<b>holding</b> 35:20	<b>interruption</b> 37:18	<b>letting</b> 49:20
<b>holds</b> 44:5	<b>introduce</b> 5:19	<b>Level</b> 19:1
<b>hole</b> 23:5	<b>issued</b> 10:20 12:14	<b>light</b> 43:14,16,19,20
<b>holster</b> 17:19,25 18:4,24 19:1,2,7 22:21 23:17 43:7,14,19 44:2,8 51:2	<b>issues</b> 44:17 46:13,17,25 47:18	<b>lighter</b> 42:8 43:1 45:23
<b>home</b> 34:13	<b>items</b> 17:9,24	<b>limited</b> 25:22
<b>honorable</b> 8:5	<hr/> <b>J</b> <hr/>	<b>list</b> 12:18 13:11,15
<b>hours</b> 43:3 44:19	<b>James</b> 5:9,18 50:4	<b>Littleton</b> 5:11
<b>house</b> 16:10,24 50:15	<b>Jim</b> 28:17	<b>load</b> 7:14
<b>housekeeping</b> 26:17	<b>job</b> 8:11	<b>locks</b> 19:9
<b>Houston</b> 5:25 6:11 11:8 13:5 16:11 18:7,22 26:20 31:5 32:11 33:22 39:17	<b>joined</b> 7:21	<b>long</b> 6:21 9:1 12:17,18 34:24 40:25
<b>HPD</b> 7:21 24:15 44:13,21 45:9 49:9 50:12	<b>Joyce</b> 5:12	<b>longer</b> 35:25 43:2 50:8
<b>hurt</b> 23:1	<b>jurisdiction</b> 24:24	<b>looked</b> 22:21,25 23:1 24:12 35:13 44:24 49:9
<hr/> <b>I</b> <hr/>	<b>jury</b> 5:20 7:10	<b>Lorex</b> 31:16
<b>idea</b> 41:3	<hr/> <b>K</b> <hr/>	<b>lot</b> 34:3
<b>identified</b> 33:22	<b>Keith</b> 5:11 37:23	<b>lower</b> 43:5 45:23
<b>III</b> 19:1		

<b>M</b> <b>Madam</b> 29:6 <b>made</b> 20:13 21:20 27:17 40:3 46:19 <b>magazine</b> 42:10 48:10 <b>main</b> 21:11 <b>maintain</b> 10:1 <b>make</b> 7:13 14:7 19:15,17 22:25 23:1,10,23 28:18, 23 29:15 30:3,4 36:24 <b>makes</b> 38:24 <b>making</b> 38:17 41:25 46:20 <b>malfunctions</b> 45:18 <b>man</b> 36:24 <b>manipulating</b> 7:13 <b>manual</b> 38:20,22 39:12, 14,19 48:20,23 <b>manufactured</b> 13:2 <b>manufacturer</b> 13:13 <b>March</b> 15:15,16 31:5 33:16,22 36:13 <b>Marine</b> 8:2 <b>Marines</b> 8:7,11,18 <b>mark</b> 30:12 <b>marked</b> 25:1,12 30:24 33:22 <b>market</b> 40:4 <b>marksmanship</b> 7:16 <b>Martin</b> 5:21 <b>Marvin</b> 5:3,15 <b>meant</b> 25:2 <b>mechan</b> 27:21 42:18 <b>mechanical</b> 44:17 <b>mechanism</b> 19:3 27:13, 20,22 40:12 42:18 50:21	<b>mentioned</b> 10:5 42:20 47:24 49:8 <b>midpoint</b> 33:10 <b>military</b> 7:23,25 8:17 9:4 <b>mill</b> 21:14,16 <b>millimeter</b> 11:24 12:9,11 <b>mine</b> 38:21 <b>minutes</b> 37:4 <b>missed</b> 47:25 <b>missing</b> 28:24 <b>model</b> 43:9 48:4,16 <b>modifications</b> 46:19 <b>module</b> 19:18 20:9,19 42:22 <b>moment</b> 6:8 15:20 16:4 <b>moments</b> 15:24 16:20 <b>money</b> 21:14 <b>month</b> 12:23 <b>months</b> 6:13,22 8:13 9:7 <b>morning</b> 16:17 33:17 36:14 <b>MOV</b> 33:23 <b>move</b> 14:22 21:20 <b>movies</b> 31:1 <b>multiple</b> 17:3 <b>muzzle</b> 35:14,17 44:6	<b>notes</b> 37:5 49:7 <b>notified</b> 24:19 <b>number</b> 5:2 25:13 31:1 48:4 <hr/> <b>O</b> <b>obtain</b> 11:5 <b>obtained</b> 8:9 11:10 <b>occurred</b> 16:8,22 27:12 33:16 36:13 <b>offered</b> 11:14 <b>officer</b> 9:17,22 11:9 18:22 25:19 29:10 30:13 <b>officers</b> 18:14 <b>on-duty</b> 14:12 <b>opening</b> 32:24 <b>opinions</b> 50:18 <b>optic</b> 11:20 <b>options</b> 38:8 46:7 <b>original</b> 41:12 <b>owned</b> 22:9,10 39:11 41:1 <hr/> <b>P</b> <b>p.m.</b> 5:5 37:11 <b>P226</b> 10:21 12:7 38:2,6,12 39:22 41:24 42:5 45:25 <b>P3</b> 13:4,17 <hr/> <b>N</b> <b>nature</b> 7:19 24:18 <b>needed</b> 49:3 <b>neighborhood</b> 24:22 <b>nondeadly</b> 11:24 <b>Normal</b> 22:5 <b>northeast</b> 7:2,4
--	--	--

<b>paper</b> 45:11	<b>platform</b> 21:3 46:3	<b>proficiency</b> 10:2
<b>paperwork</b> 24:17 45:12	<b>play</b> 31:8 32:18	<b>proficient</b> 10:10
<b>park</b> 5:11 16:24	<b>played</b> 29:19	<b>program</b> 41:6
<b>part</b> 10:6 18:21 20:1,4,7 26:17 34:17 44:4,18	<b>playing</b> 31:10 32:19 34:22 35:11 36:7	<b>prohibiting</b> 39:18
<b>participate</b> 41:8	<b>pocket</b> 22:19,23 23:13,25 48:1	<b>promoted</b> 9:23,25 10:22
<b>parts</b> 19:20,21 27:11	<b>point</b> 12:20 19:11 23:6 35:16 40:21	<b>promotion</b> 9:20,21
<b>pass</b> 10:23 15:4,7 37:20	<b>pointing</b> 43:3	<b>properly</b> 8:21
<b>passed</b> 9:24	<b>police</b> 5:25 6:11 8:12,16 9:22 11:8 13:5 18:7,9,22 24:20 26:7,20 39:17	<b>pull</b> 25:25 42:7,8
<b>passenger</b> 17:13 32:24,25	<b>policy</b> 26:24 39:18,20 44:15,19	<b>pulling</b> 15:10
<b>past</b> 15:10	<b>portion</b> 19:7 27:24	<b>purchase</b> 13:22 18:8,15 31:17 38:18
<b>patrol</b> 7:2 9:17	<b>possession</b> 26:1 45:19	<b>purchased</b> 18:6 19:14 34:20 40:2,8
<b>patrols</b> 24:21	<b>posted</b> 8:14	<b>purchasing</b> 48:24
<b>paying</b> 21:16	<b>posting</b> 7:1,2	<b>put</b> 17:7 30:14,15,19,20, 23 33:2 36:2
<b>people</b> 30:19	<b>practiced</b> 10:13	<b>putting</b> 36:2
<b>performed</b> 22:9	<b>Precinct</b> 24:21	<hr/>
<b>period</b> 6:19 9:8,12,25 10:10	<b>Precision</b> 20:6,18	<b>Q</b>
<b>pers</b> 27:24	<b>precut</b> 21:17	<b>qualification</b> 7:17 10:7 11:15 14:11,13 15:4
<b>person</b> 21:19	<b>prefer</b> 38:23	<b>qualifications</b> 10:3 11:13
<b>phone</b> 34:2	<b>preference</b> 30:17 42:23	<b>qualify</b> 7:8 12:19
<b>photographs</b> 25:23	<b>present</b> 26:21	<b>quality</b> 38:10 39:9
<b>pictures</b> 26:13 43:11	<b>pretty</b> 49:3	<b>question</b> 50:5
<b>pistol</b> 11:22 17:16,18 18:3 21:3,8,13,21 22:5,18,22 23:24 24:11 27:6 38:2,23 39:1 41:9,12 42:1 43:2,5, 8,24 44:13,21 45:3 46:10 47:25 48:1,11,14,23 49:1, 4,9,17	<b>previous</b> 48:9	<b>questions</b> 5:18 37:15,17, 23 50:4 51:6
<b>pistols</b> 12:4 37:25 39:8, 10,15,19,22,24 41:6	<b>previously</b> 14:7	<b>quick</b> 49:7 50:5
<b>place</b> 41:19	<b>prior</b> 18:4 38:17 46:25	<hr/>
<b>placing</b> 17:9,10	<b>private-owned</b> 18:10	<b>R</b>
<b>Plaintiff</b> 5:10	<b>probationary</b> 6:19 9:8,12, 25	<b>range</b> 22:3
<b>plastic</b> 38:10	<b>problem</b> 30:5,6	<b>ranges</b> 26:24
	<b>process</b> 36:2	<b>rank</b> 8:9 9:22
		<b>read</b> 26:2
		<b>ready</b> 7:15 16:18 30:7

<b>real</b> 49:7	<b>report</b> 24:15,20,24 26:7 45:2,10 50:6,8,17,19	<b>safeties</b> 39:12,14,19
<b>rear</b> 17:13 32:24	<b>reporter</b> 5:13 29:6,9,17, 20,24 30:9,17,20 36:20	<b>safety</b> 38:11,20,22 39:1,3 48:8,10,20,23
<b>reason</b> 13:19 21:11 38:7 48:22	<b>reports</b> 24:17 25:23	<b>sale</b> 40:7
<b>reasons</b> 21:9 45:24	<b>represent</b> 5:7,10	<b>Sauer</b> 5:12 10:21 12:5,7, 21 13:4,17,23,24 14:2,4 18:21 19:15,21 22:9 24:3, 7,10 26:1 38:17 39:25 45:5 46:2,6 48:3 49:15,22 50:7,17
<b>recall</b> 10:19 13:10 15:13 38:5 41:18 45:16 46:20 48:15	<b>representation</b> 33:15	<b>screen</b> 29:7,18,25
<b>received</b> 25:6	<b>reputable</b> 18:12	<b>seat</b> 33:3 35:21 36:3
<b>recertified</b> 14:8,9	<b>required</b> 18:20 21:13	<b>secondary</b> 23:24
<b>recess</b> 37:11	<b>research</b> 38:16 39:8	<b>seconds</b> 33:8 34:24 35:13
<b>recognized</b> 22:20	<b>residence</b> 16:9,23 31:14 34:12	<b>security</b> 8:15 31:16
<b>recollection</b> 28:6 35:5	<b>respect</b> 24:18 36:17	<b>selected</b> 45:24 48:22
<b>recommended</b> 13:20	<b>responsible</b> 21:19,23	<b>send</b> 45:12 50:12
<b>record</b> 5:1,8 25:20,21 30:8 37:4,10,13 51:14	<b>rest</b> 27:11	<b>sense</b> 40:25
<b>recorded</b> 31:15 34:1	<b>retention</b> 19:9 23:17	<b>sergeant</b> 5:3,15 6:2,4,7 9:21,23 10:1,22 11:4,9 30:14 31:4 37:14,24 49:25 51:6
<b>recording</b> 28:13 33:19 34:2,16	<b>retract</b> 48:9	<b>sergeant's</b> 10:25
<b>red</b> 11:15,18,22 21:12,18 42:21 43:23	<b>returned</b> 49:18	<b>serialized</b> 27:24
<b>refer</b> 6:4	<b>revolver</b> 12:12	<b>series</b> 32:9 43:10
<b>referred</b> 10:25	<b>Reye</b> 30:13	<b>serve</b> 7:25
<b>reflect</b> 36:16	<b>Reyes</b> 5:3,15,21 6:4,7 30:14 31:5 37:14,24	<b>served</b> 25:17
<b>refresh</b> 35:5	<b>rifle</b> 7:24 11:14,20 16:25 35:7	<b>service</b> 8:3 12:12 18:3 23:24
<b>regularly</b> 22:1	<b>right-handed</b> 17:21,22	<b>shattered</b> 23:14
<b>relating</b> 25:24	<b>riot-type</b> 11:24	<b>shoot</b> 10:6 42:5
<b>rem</b> 8:12	<b>roof</b> 34:11	<b>shot</b> 10:9 20:2 22:20 23:3 36:11 47:4
<b>remember</b> 12:6,23,25 13:2,16	<b>round</b> 20:2 42:5,8	<b>shots</b> 7:17
<b>removed</b> 47:7	<b>rounds</b> 10:6,12,16 14:15, 17 15:2 42:9	<b>shoulder</b> 17:3 35:24
<b>repairs</b> 22:8	<b>run</b> 14:10	<b>show</b> 29:2,7 30:4,13 31:2 33:21 34:4
<b>repeat</b> 20:13	<hr/> <b>S</b> <hr/>	
<b>replace</b> 28:1	<b>Safariland</b> 19:1 43:9	
<b>replaced</b> 47:9	<b>safe</b> 8:24	

<b>showing</b> 15:24 32:23	<b>stick</b> 46:2	<b>target</b> 14:22
<b>shows</b> 34:24	<b>sticker</b> 30:14	<b>targets</b> 14:20
<b>side</b> 17:13	<b>stickers</b> 30:19	<b>test</b> 44:16,18,24
<b>Sig</b> 5:12 10:21 12:5,7,21 13:4,17,20,23,24 14:2,4 18:21 19:15,21 22:9 24:3, 7,10 26:1 38:8,17 39:25 45:5 46:2,6 48:3,15 49:15,22 50:7,17	<b>stop</b> 44:6	<b>testified</b> 5:16
<b>single</b> 14:22	<b>store</b> 8:21 18:10,12	<b>Texas</b> 16:14
<b>sir</b> 8:3 27:18 29:25 32:10 37:20	<b>straight</b> 23:3	<b>thing</b> 29:9
<b>size</b> 42:11,13,15,16 48:25	<b>street</b> 16:25	<b>things</b> 17:3,6,23 21:1 25:21 32:12 37:24 38:13
<b>slide</b> 19:19,20,21,23,24 20:5,6,14,17,18 21:11,12, 15,17 23:13,14,17,18,19 27:19 42:17,18,21 46:22 47:13	<b>strictly</b> 10:17	<b>thousands</b> 10:16
<b>slides</b> 20:4	<b>striker</b> 42:3 45:23 46:10 48:5	<b>threat</b> 14:25
<b>small</b> 49:1	<b>striker-fired</b> 42:1	<b>thumb</b> 38:20,22 48:20,23
<b>smaller</b> 24:4 42:8	<b>stuck</b> 13:24 46:6	<b>Thursday</b> 5:4
<b>Smith</b> 13:14,21,23 38:9,11	<b>stuff</b> 35:2	<b>time</b> 5:4 7:6 8:18 9:12,24, 25 10:10,20 11:8,9 12:2 13:11 14:16,24 15:2,7 16:16 17:2,14,25 18:25 26:14 28:3 30:4 34:18 35:3,16,18 37:9,12 40:3,8 41:19 43:8,17,20,24 47:8 49:22 50:1 51:9,13
<b>sound</b> 15:17	<b>subject</b> 41:1 42:14	<b>times</b> 7:18 43:1
<b>sounded</b> 33:5	<b>submitted</b> 45:11,21	<b>title</b> 6:1 33:23
<b>speak</b> 18:16 45:1	<b>subpoena</b> 25:5,8,16	<b>titled</b> 29:2
<b>specific</b> 13:19 14:11 41:18	<b>success</b> 6:23	<b>today</b> 25:9,14 26:5 27:6 37:15
<b>specifically</b> 11:7 21:3	<b>successfully</b> 6:23	<b>Today's</b> 5:4
<b>spring</b> 16:12 40:7	<b>Supply</b> 18:10	<b>top</b> 13:3 20:1 43:12
<b>stage</b> 15:1	<b>swapped</b> 27:9	<b>touch</b> 19:12
<b>start</b> 5:2	<b>swear</b> 5:14	<b>touching</b> 17:16
<b>started</b> 13:2 21:7 26:18 36:10	<b>switch</b> 27:9 39:21 40:13 41:25 42:21 46:10	<b>town</b> 7:3
<b>starting</b> 33:2	<b>switched</b> 12:6,8 14:9 40:14 41:24 42:17 45:25 47:18	<b>trained</b> 7:7 8:19,21,24
<b>state</b> 5:7	<b>sworn</b> 5:16	<b>training</b> 7:11 11:4,25
<b>station</b> 7:4	<b>system</b> 31:16 34:17	<b>trigger</b> 15:10 19:2,3,5,8, 10,12 20:10 25:25 27:21, 25 36:17 40:15 42:7,8 50:20
<b>stayed</b> 46:11	<hr/> <b>T</b> <hr/>	<b>truck</b> 16:24 17:7,10 23:1
	<b>talk</b> 6:6 15:19 16:2 25:20 28:9	
	<b>talked</b> 25:19 28:4	
	<b>talking</b> 41:2	
	<b>tape</b> 5:2	

33:3 51:1  
**turn** 29:9,17 36:20 45:13  
**turning** 29:18  
**TV** 34:3  
**type** 8:12 12:3 13:17  
  18:24  
**types** 12:1

**U**

**Ughetta** 5:12  
**Uh-huh** 20:3  
**Uh-uh** 38:19  
**un-commanded** 17:15  
  18:25 22:15  
**unclear** 50:5  
**understand** 26:4  
**understanding** 15:9  
**understood** 32:16 37:15  
  43:4 51:4  
**unintended** 25:25 36:17,  
  18  
**unit** 27:9,10 28:2 47:7,9,  
  14,19  
**updated** 13:12  
**upgrade** 41:6,9  
**upgraded** 21:8 40:21,24  
**upgrades** 21:10  
**upper** 20:4

**V**

**version** 12:9,11 24:5 40:9  
  48:17  
**versus** 13:17  
**video** 15:24 16:4 22:13  
  26:8,9,16 29:8,11,14  
  30:16 31:10 32:19 33:21

34:22,25 35:11 36:7  
**video-recorded** 5:3  
**videos** 25:23 28:5 29:19  
  30:13 31:2  
**view** 16:3  
**views** 28:11  
**voluntary** 41:5,8

**W**

**waist** 17:19  
**walk** 16:20  
**walked** 50:25  
**walking** 14:21  
**wanted** 6:6 14:2,7 21:12,  
  18 25:20 26:17 28:23  
  42:4,25 43:2 46:1  
**wanting** 45:22  
**watch** 29:19  
**weapon** 11:25 18:6,21  
  38:6  
**weapons** 18:15  
**week-long** 10:16  
**weight** 38:13 43:5  
**Wesson** 13:14,21 38:9  
**Wilson** 20:8,20 47:12  
**won** 32:8  
**words** 14:1  
**work** 8:12,16 9:4 16:18  
  17:8  
**worked** 39:5,6  
**World** 32:9  
**worries** 28:25  
**wrapping** 37:5  
**written** 45:2,10 50:6  
**wrong** 27:4 40:2

**X**

**XFIVE** 40:10,12,14,23  
  42:14,16,18,23,24 46:17  
  47:1

**Y**

**yards** 14:19  
**year** 12:23 15:15 31:23  
  32:9  
**yearly** 10:3  
**years** 8:7 14:16 41:2,4

**Z**

**Zoom** 29:9,18  
**zoomed** 34:3